Destructive Weather Legal Brief

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Destructive Weather

- Authority: DOD Directive 5515.10 Sep 24, 2004
- The Military Personnel and Civilian Employees' Claims Act of 1964,31 U.S.C. § 3721 (1982) (Personnel Claims Act [PCA]),
- "Gratuitous payment statute intended to maintain morale

  by compensating service members and other federal employees for personal property that is lost, damaged, or destroyed <u>incident to service</u>. "

Homeowners and Renters Insurance

- **What happens if I own my home?** Homeowners insurance should cover both your home and contents.
- **What happens if I rent a house/apartment off base?** Commercial renters insurance should cover both your home and contents .
- **What happens if I live on base?** AMCC automatically provides small renters insurance ($20K). Not enough? Purchase more insurance.
- Take photos and document prior to the storm!

Food & Hurricane Supplies

- **Save receipts:** If you buy perishable f
  before the hurricane hits, save the rece
- **No electricity:** If food spoils b/c of a p
  outage, <u>on base</u> residents may seek
  reimbursement from the government v
  Personnel Claims Act (PCA).
- **Take photos:** If you throw food out because of spoilage, take photos and document.
- Hurricane preparedness supplies (i.e. generators, plywood, etc) are **<u>not</u>** reimbursable by the gov't.

Evacuations

- **Base CO has the authority to direct evacuations of service members.**
- **Off base**: If you live off base & evacuate without orders from the Base CO, you are responsible for your own expenses (i.e. no government reimbursement for hotels, transportation, etc).
- **On base**: If you live on base & evacuate with orders from the Base CO, you will more than likely be sent to an on base shelter were food, water, sleeping accommodations, etc will be provided until it is safe to return home.
  - If you decide NOT to go to a designated shelter = you are responsible for your own expenses. No reimbursements.
  - Pets cannot be accommodated at a shelter = you are responsible for your own expenses if you go someplace else.
  - Family member with special needs = you may qualify for reimbursement, coordinate with the Command ASAP.

Population in housing on board MCAS New River

- Total of 1,090 people live on MCAS New River.
  - Officers at w/depn is a total of 325
  - Enlisted at w/depn is a total of 679
  - Civilian at w/depn is a total of 86

Post Hurricane Damages

- **Live on base:**
  - First step: Contact your insurance company and file a claim (take pictures).
  - Second step: After your private insurance claim has been fully completed, submit a claim for ALL damaged property to the US Government via PCA.
  - Government reimbursement is only available for property that belongs to the service member and tenants (i.e. no in-laws property)

Post Hurricane Damages

- **Live off base:**
  - Contact your insurance company
  - Off base damage is NOT reimbursable via the Personnel Claims Act

Post Hurricane Vehicle Damage

- Who qualifies? Any Federal Employee or Service member.
  - Step1: Contact your auto insurance carrier (take pictures) and complete the entire claim
  - Step 2: Get at least 2 written estimates
  - Step 3: Provide proof that the vehicle was owned by the service member or Fed employee (no compensation for family members, friends, etc unless Fed EE or military)
  - Step 4: File the claim
- If your car was damaged while located on base for a **legitimate purpose** (i.e. live on base or ordered to work as essential personnel), then you can submit a claim.
- Do not park your car on base just in hopes of getting reimbursed! This is fraud…
- No reimbursement for rental cars or insurance deductibles.

Rented Damaged homes/apartments

- If you are renting a home or apartment and you cannot live the anymore because of hurricane damage (i.e. damaged roof, windo etc), call legal assistance immediately.

  - Why? You may break the lease but you need to act promptly to preserve rights under NC state law
  - Landlord refuses to fix hurricane damages? Contact legal assistance.

Questions & Answers

- *I left town with my family to ensure they would be safe, can I be compensated for my evacuation expenses?*
  - If you live off base, some homeowners insurance or renters insurance covers certain evacuation expenses.
  - If you live off base, and the Base CO ordered an evacuation, you may be compensated for hotel, gas, etc. However, if you evacuate without orders from the Base CO, gov't reimbursements are not available.
  - Keep all receipts!

Questions & Answers

- *I stayed in a hotel while the power to my on-base home was shut off, can I be reimbursed for the cost of that hotel?*
  - No. Neither the PCA nor AMCC's renter's insurance policy will reimburse hotel expenses for on-base re sought shelter off-base.
  - Remedy = on base shel

Questions & Answers

- *Will the government reimburse me for my insurance deductibles?*
  - No. The PCA does not compensate for insurance deductibles.

Questions & Answers

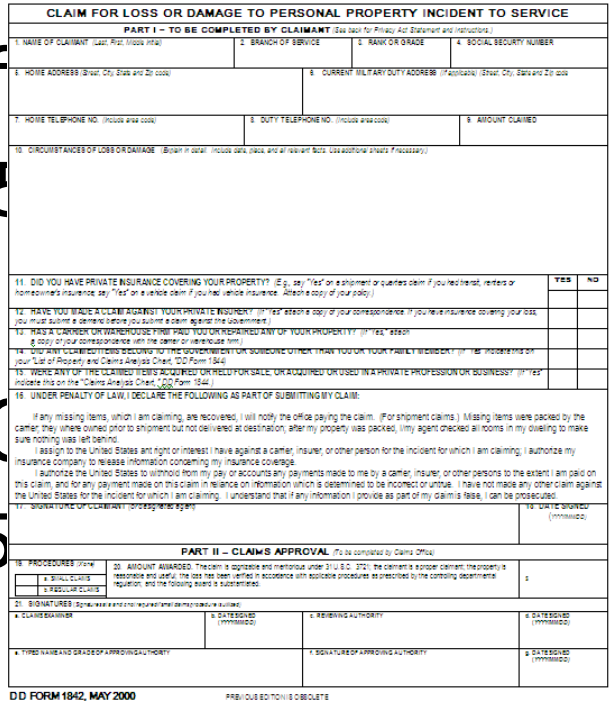
- *I parked my car on base (because I live on base or I was essential personnel ordered to work) and the vehicle was damaged. Can I file a claim?*
  - **Yes.** If your auto insurance does not cover all the damage you may submit a claim to the government.
  - Even if your auto insurance <u>does</u> cover the damage, you may still submit a claim with the government. Extra compensation may be available.

Questions & Answers

- *I live on base, and my in-laws were visiting us from out of town when their vehicle was damaged by the storm in our driveway, can they file a claim?*
  - No. The owner of the vehicle must be a federal EE nber.

Points of Contact

- MCAS New River Claims Of
  - William Yables (910) 449-71
- MCIEAST Regional Claims C
  - Kathy Butler (910) 451-7075
- HQMC, Personal Property Claims (MFP-2)
  - Jennifer Durand (703) 784-9533



CLAIM FOR LOSS OR DAMAGE TO PERSONAL PROPERTY INCIDENT TO SERVICE

PART I – TO BE COMPLETED BY CLAIMANT (See back for Privacy Act Statement and instructions.)

1. NAME OF CLAIMANT (Last, First, Middle Initial) | 2. BRANCH OF SERVICE | 3. RANK OR GRADE | 4. SOCIAL SECURITY NUMBER

5. HOME ADDRESS (Street, City, State and Zip code) | 6. CURRENT MILITARY DUTY ADDRESS (If applicable) (Street, City, State and Zip code

7. HOME TELEPHONE NO. (Include area code) | 8. DUTY TELEPHONE NO. (Include area code) | 9. AMOUNT CLAIMED

10. CIRCUMSTANCES OF LOSS OR DAMAGE (Explain in detail. Include date, place, and all relevant facts. Use additional sheets if necessary.)

	YES	NO
11. DID YOU HAVE PRIVATE INSURANCE COVERING YOUR PROPERTY? (E.g., say "Yes" on a shipment or quarters claim if you had transit, renters or homeowner's insurance, say "Yes" on a vehicle claim if you had vehicle insurance. Attach a copy of your policy.)		
12. HAVE YOU MADE A CLAIM AGAINST YOUR PRIVATE INSURER? (If "Yes" attach a copy of your correspondence. If you have insurance covering your loss, you must submit a claim to it before you submit a claim against the Government.)		
13. HAS A CARRIER OR WAREHOUSE FINE PAID YOU OR REPAIRED ANY OF YOUR PROPERTY? (If "Yes," attach a copy of your correspondence with the carrier or warehouse firm.)		
14. DO ANY CLAIMED ITEMS BELONG TO THE GOVERNMENT OR SOMEONE OTHER THAN YOU OR YOUR FAMILY MEMBERS? (If "Yes" indicate this on your "List of Property and Claims Analysis Chart," DD Form 1842.)		
15. WERE ANY OF THE CLAIMED ITEMS ACQUIRED OR HELD FOR SALE, OR ACQUIRED OR USED IN A PRIVATE PROFESSION OR BUSINESS? (If "Yes" indicate this on the "Claims Analysis Chart," DD Form 1842.)		

16. UNDER PENALTY OF LAW, I DECLARE THE FOLLOWING AS PART OF SUBMITTING MY CLAIM:

If any missing items, which I am claiming, are recovered, I will notify the office paying the claim. (For shipment claims.) Missing items were packed by the carrier, they where owned prior to shipment but not delivered at destination, after my property was packed, I/my agent checked all rooms in my dwelling to make sure nothing was left behind.

I assign to the United States ant right or interest I have against a carrier, insurer, or other person for the incident for which I am claiming. I authorize my insurance company to release information concerning my insurance coverage.

I authorize the United States to withhold from my pay or accounts any payments made to me by a carrier, insurer, or other persons to the extent I am paid on this claim, and for any payment made on this claim in reliance on information which is determined to be incorrect or untrue. I have not made any other claim against the United States for the incident for which I am claiming. I understand that if any information I provide as part of my claim is false, I can be prosecuted.

17. SIGNATURE OF CLAIMANT (Or designated agent) | 18. DATE SIGNED (YYYYMMDD)

PART II – CLAIMS APPROVAL (To be completed by Claims Office)

19. PROCEDURES (Mark)
- a. SMALL CLAIMS
- b. REGULAR CLAIMS

20. AMOUNT AWARDED. The claim is cognizable and meritorious under 31 U.S.C. 3721; the claimant is a proper claimant; the property is repairable and useful; the loss has been verified in accordance with applicable procedures as prescribed by the controlling departmental regulation; and the following award is substantiated. | $

21. SIGNATURES (Signature and title of individual(s) authorized to approve payment)

a. CLAIMS EXAMINER | b. DATE SIGNED (YYYYMMDD) | c. REVIEWING AUTHORITY | d. DATE SIGNED (YYYYMMDD)

e. TYPED NAME AND GRADE OF APPROVING AUTHORITY | f. SIGNATURE OF APPROVING AUTHORITY | g. DATE SIGNED (YYYYMMDD)

DD FORM 1842, MAY 2000 PREVIOUS EDITION IS OBSOLETE

Questions?